

BOROUGH OF LAVALLETTE
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
ISLAND HEIGHTS MUNICIPAL BUILDING – COUNCIL CHAMBERS
November 19, 2012-7:00 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

ROLL CALL: Council Members Borowski, Zalom, Lamb, Stogdill, Horan and Filippone

Also present: Christopher F. Parlow, Borough Administrator/Municipal Clerk
Philip George, Borough Attorney
Donnelly Amico, Deputy Municipal Clerk
Colin Grant – Police Chief
Art Reese – Fire Chief

READING OF THE OPEN PUBLIC MEETINGS ACT STATEMENT: Notice of this meeting was published in the Asbury Park Press on November 16, 2012. Notice was also posted on our Municipal Website.

MOMENT OF SILENCE: The Mayor asked for a moment of silence for long time residents Mark Caramanna, Doris Antonas and Mildred Lamb who recently passed away. The Mayor read the obituary of Mildred Lamb who was the mother of Councilman Lamb

PLEDGE OF ALLEGIANCE: Councilman Stogdill led us in the Salute to the Flag

MAYOR’S WELCOMING STATEMENT: Mayor LaCicero thanked everyone for coming out to tonight’s meeting. He stated that he would like to get through the Borough business agenda first before taking any questions. He knows that there are a lot of people with questions so he would like to go through the agenda first. He stated that we have all had a very rough couple weeks and we need to get through it the best that we can.

ON CONSENT AGENDA/OFF CONSENT AGENDA, AND VOUCHERS:

RESOLUTIONS – ON CONSENT:

- 2012-274 authorizing the Municipal Clerk to advertise and receive bids for the positions of Borough Attorney, Borough Auditor, Municipal Engineer and Municipal Prosecutor for the year 2013
- 2012-275 authorizing the electric collector to adjust an electric bill to \$48.84 due to an over read meter.
- 2012-276 authorizing the electric collector to transfer an electric payment in the amount of \$495.21 from 21 Washington Avenue to 13 Washington Avenue due to an incorrect account number

- 2012-277 authorizing the following budget transfers between the 2012 budget
- 2012-278 authorizing a special emergency appropriation pursuant to NJSA 40A:4-54 to provide funds for response to the extraordinary expenses resulting from damage caused by Super Storm Sandy and further authorizing the issuance of special emergency notes to fund such special emergency appropriation
- 2012-279 authorizing a grace period for the payment of taxes and utility payments without interest or penalty as a result of the Hurricane Sandy emergency pursuant to Governor Christie Executive Order 113
- 2012-280 Resolution of the Emergency Management Coordinator of the Borough of Lavallette establishing a curfew of 6:00 p.m. during Hurricane Sandy Emergency from 6:00 pm on Friday, November 2, 2012 through 6:00 pm on Friday, November 9, 2012.
- 2012-281 affirming the emergency purchase of seven vehicles from Lester Glenn Chevy in the amount \$274,342.00 due to the damage caused by Hurricane Sandy-Mayor LaCicero stated that the Borough lost a number of vehicles due to the flooding so they needed to purchase some pickup trucks to get around.
- 2012-282 reaffirming the award of a professional service contract to O'Brien Response Management for public assistance and FEMA program services-Mayor LaCicero stated that this is a company helping us with the removal of debris.
- 2012-283 reaffirming the award of a contract with Polygon for the restoration of our police records damaged as a result of Hurricane Sandy-Mayor LaCicero stated that the police building was under water and their records need to be restored.
- 2012-284 reaffirming the award of a contract with AshBritt Environmental for FEMA assistance-eligible debris removal, staging, sorting, recycling and disposal from public roads and public property (state contract)-Mayor LaCicero stated that this is another company for debris removal that the County hired for debris removal. The estimate of our debris removal is approximately \$10,000,000 with FEMA paying 75%% and we will have to pay 25%.
- 2012-285 reaffirming the award of a professional service contract with Witt Associates for professional disaster planning and consulting services-Mayor LaCicero stated that this is a consulting firm to help us with the FEMA process to ensure that we receive the proper reimbursements.
- 2012-286 appointing temporary employees to help with the damage caused by Hurricane Sandy

- 2012-287 reaffirming the emergency services of John Blewitt, Inc., B & C Property Maintenance, ATN & Sons Excavating, Inc., and Suffolk County Contractors due to the damage caused by Hurricane Sandy

- 2012-288 reaffirming the emergency purchase of one (1) Altec DM47TR Derrick mounted on a new 2012 Freightliner M2 Manual Chassis in the amount of \$190,891.81 due to the damage caused by Hurricane Sandy-Mayor LaCicero stated that we already had this piece of equipment on order we just needed to rush the order due to the storm.

- 2012-289 authorizing the Mayor to sign and execute policy endorsements for the Bollinger Insurance Employee Prescription Plans, Fort Dearborn Life Insurance, Sun Life Financial Short Term Disability Plan and the Horizon Dental Plan for the year 2013

- 2012-290 reaffirming the award of a contract with Polygon for the restoration of our archive records damaged as a result of Hurricane Sandy-Mayor LaCicero stated that the archival record room located outside the public works garage had some flooding so some of those records need to be restored.

- 2012-290A authorizing the Mayor to sign and execute an Interlocal /shared services agreement between the Borough of Lavallette and the County of Ocean for debris removal and other related services through AshBritt, Inc. under State Contract #A80768

A Motion to approve the consent agenda was made by Councilman Borowski. The Motion was seconded by Councilman Stogdill. The Mayor opened the floor to public comment and asked if anyone wished to comment on the consent agenda. No one wished to comment at this time. The Mayor closed the floor to the public and asked Council for a vote on the consent agenda.

Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion passed.

RESOLUTION - OFF CONSENT

There were no resolutions off consent

APPROVAL OF VOUCHERS:

- 2012-291 Bills List in the amount of \$4,887,460.17

A Motion to approve the bills list was made by Councilman Borowski. The Motion was made by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

ORDINANCES ON FOR ADOPTION:

Ordinance No. 2012-12 (1111) AN ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 90 OF THE CODE OF THE BOROUGH OF LAVALLETTE ENTITLED "ZONING"

Mr. Parlow stated that this is an Ordinance that deals with the Ocean Front properties to change the front yard setbacks to make it easier for them to build porches and decks within the front yard setbacks, which is currently at 30 feet. Oceanfront properties would be permitted to construct a deck or porch.

Councilwoman Filippone stated that it also helps the corner properties on West Point Island to make their two front yard setbacks 25 & 15 which gives them 10 extra feet.

A Motion was made by Councilman Lamb. The Motion was seconded by Councilman Stogdill. The Mayor opened the public hearing and asked if anyone wished to comment on this Ordinance.

Chris Chamberlain, 401B Grand Central Avenue stated that at this point he thinks it would be foolish to adopt this ordinance without further engineering. These houses were over run by water and there is no more boardwalk in front of them. Who knows what is going to happen with everything going on. The wise thing to do is to put on hold for now.

Mayor LaCicero stated that the Council would like to adopt it tonight and see what happens in the future. We could always do some changes to it and do another ordinance later on.

The Mayor closed the public hearing and asked Council for a vote on Ordinance 2012-12 (1111).

Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

COMMUNICATIONS

General With Action:

- a) County of Ocean/Board of Chosen Freeholders/Betty Vasil, Clerk of the Board/requesting the Borough respond as to whether they are Borough waiving construction fees for repairs from Hurricane Sandy/State will waive permit surcharge fee also/Received November 13, 2012

A Motion was made by Councilman Horan approve Resolution 290B to waive all construction fees and permits for repairs attributed to damage from Hurricane Sandy. The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Horan and Lamb voted Yes. The Motion Passed.

UNFINISHED BUSINESS:

There was no unfinished business.

NEW BUSINESS:

There was no new business.

COMMENTS FROM THE PUBLIC:

Clem Boyers - 20 Kerr Avenue - questioned the main gas line and when it was going to be repaired by NJNG so the Borough could have gas.

Mayor LaCicero stated that the electric was turned on for our residents. The Lavallette electricians booted every meter for safety reasons. If a resident wants power to their home you will need to get an electrician to certify that all is good with your electric box and wiring and we will turn it on for you. The forms for this are on our website and at Public Works. The Department of Community Affairs is also doing inspections if you do not want to use or have your own inspector. We have been told that JCP & L are not accepting electrician approval but there is a lot of confusion going on with that.

Mr. Parlow stated that every resident should shut off their main breaker when they are not going to be home irregardless of whether they had an electrician approval. Safety is always priority.

Mayor LaCicero stated that the NJ Natural Gas originally stated that we were not going to have gas for 8 to 9 months but they are talking about before the end of the year now. The Mayor stated that he was told that there is a three stage process with test ports to resupply. As of right now they have 2,900 services corrected. If there are any holes or leaks they need to be fixed. They are hoping to start Lavallette's process by December 3rd.

Mr. Boyers thanked all of Council, Mayor, and employees for all the hard work they are doing.

Lisa Taylor - 119 Washington Avenue - questioned what time period leases should they be taking.

Mayor LaCicero stated that if you have water, sewer and electric once you are allowed on every day you could live in your home, just not with gas until end of December.

Ruth Antolino - 11 Dover Avenue - stated that she has no water and when will Dover Avenue be able to get water and electric?

Mayor LaCicero stated that those streets over there suffered major damage. The Borough Engineer is still in the process of approving the structures and deeming the street safe. Unfortunately, due to the tremendous damage over there we can not tell you when you will have your utilities back on.

Mr. Parlow stated that the Engineer is working on it as fast as possible but unfortunately we have to follow FEMA rules. We have bulkheads that were ground level and are now five feet in the air. Those streets south of Philadelphia sustained a tremendous amount of damage and that process will take a little longer than other streets.

Mayor LaCicero stated that we will have some of the outside electric crews come back very soon to help again. We need to follow rules so we do not lose our FEMA funding.

Mr. Parlow stated that we have secured electric contracts and will start another rebuilding phase on Monday.

Mike Whalen - 116 Kerr Avenue - questioned if we should shut down all our utilities while we are not there.

Mayor LaCicero stated that if your electric is on you should shut down your main when you are not there for safety reasons but your water can stay on.

Jack Sauer - 405 Bay Boulevard - stated that this traffic path is very critical. He asked if there are any immediate plans to allow us on the island on an every day basis and longer than 8 am to 3 pm.

Mayor LaCicero stated that he and the Chief battle about that every day on this topic. His concern is always public safety and mine is always public access. Now that the DOT lifted their restrictions we are trying to get you guys over here on a daily basis as quickly as possible. The Chiefs have come up with a plan to give you a little more access each week but they are dealing with other law enforcement issues as well.

Chief Grant stated that their main concern is safety. He meets with Toms River and Brick Township Chiefs on a daily basis to discuss the best way to keep the residents safe while being over here. The amount of volume is the problem. It is a problem just having one town coming over with the traffic on scheduled days can you imagine if we allowed all of the towns over every day at the same time. It would be a worse situation. We submit a plan to the Governor's office on a daily basis

Mr. Sauer stated that Long Beach Island allows their residents to come over daily and they have no problems with traffic or looters.

Chief Grant stated that every day it is a different animal. Right now this is what we have come up with allowing a section at a time. It is just not safe yet.

Councilwoman Filipponi stated that the issue she has been hearing is having to bring contractors over on a Sunday which they charge double time. She stated that she has fielded questions and these people are asking for advance notice to schedule contractors and insurance adjusters. When you give people a day's notice it is very difficult to schedule work to be done or an insurance adjuster to come out.

Betty Santoro - 144 Pershing Boulevard - stated that she has lost her adjuster appointments twice because they could only come on the non access days. We can not keep giving the night before notification for this; we need advance notice to schedule work to be done and insurance appointments.

Michele Donato - 2202 Ocean Front - stated that it is very difficult for the residents that live full time in Lavallette that have no home right now. She has called the Governor's office and the Legislator's office to see who are the decision makers regarding access and they told me that the local municipalities make the access decisions. The town is doing a fantastic job cleaning up the town. Toms River Township is very jealous of our progress and does not want us to succeed. The Chief in Toms River seems to be running the show and it is not fair. My car was towed off of my property without my permission.

Mayor LaCicero stated that they did not get authorization from Lavallette to tow any cars off of properties.

Paul Holick - 21 Dover Avenue - stated that he could not get over without a sticker so he asked where you get them and he never got an answer.

Chief Grant stated that you get the stickers at the Police Department and everyone else got them and had no problems getting over.

Eric Birchler - 1605 Grand Central Avenue - stated that he thought everyone was doing a great job including the Chief but he still thinks we need to move on opening up the access to every day. Let the residents control their own problem.

Mary Lou Armenio - 107 Newark Avenue - questioned if contractors can get on without homeowners.

Mayor LaCicero stated that they most certainly can.

Gregory Van Cleef - 193 Pershing Boulevard - questioned if it is the same for adjustors as contractors.

Chief Grant stated that as long as they have the address and the proper paperwork they can get through.

Ruth Antolino - 11 Dover Avenue - stated that she has parts of boardwalk and sand from the beach on her property, what should she do about it.

Mayor LaCicero stated that as of right now FEMA will not allow the Borough to clean or pickup debris off of private residences or commercial properties. We hope that will change soon. We can only remove debris from our right of ways.

Andrew Feranda - 3 Princeton Avenue - stated that he has four sections of boardwalk on top of his house. We can not even get in to the house. How are we going to remove that much debris by ourselves.

Mayor LaCicero stated that the Borough is bound by FEMA guidelines. If we do not follow their rules we will not get the proper funding that we need.

Mr. Feranda stated that he will have to sue the Borough in order to get some assistance.

Mayor LaCicero stated that he feels for all the residents that need assistance with removing debris but his hands are tied right now.

William Brewster - 1 Trenton Avenue - questioned if they had to move the sand right away off their property.

Mr. Parlow stated that they have time so you do not have to worry.

Christine Jacobsen - 46 Dickman Avenue - questioned where they can register their contractors.

Chief Grant stated that contractors can be registered in Lavallette at the Police Department.

John Corney - 1 Newark Avenue - stated that this traffic access is a joke. He never sees any traffic so what is the problem. Who are the decision makers who put the information on the website. What has been discussed tonight has never been on the website.

Mayor LaCicero stated that Public Works is there from 6am to 6pm and the Police are there 24 hours a day and they both make decisions about what is put on the website.

Mr. Parlow stated that he is the decision maker and author of all information that is placed on the website.

Mayor LaCicero stated that initially when we were trying to get people over we tried to get the families over first who had school children so they could get there belongings to attend school right away.

Mr. Rizzutto - 17 New Brunswick Avenue - stated that he has his own carting company and wants to be able to bring over his dumpster and put it on his property but he can not get access for the dumpster.

Mr. Parlow stated that first he needs to check with FEMA to see if it is allowed.

Dave Finter - Bay Beach Way - questioned if a tow truck could come over to tow vehicle off his property.

Mayor LaCicero stated that a tow truck can tow vehicles from his property but not on the lot as of right now.

Barbara Brown - 119 Pershing Boulevard - stated that she is trying to get furniture off the island do they have any suggestions.

Chief Grant stated that a homeowner, resident or contractor can bring over a rental truck or any type of truck as long as it is one vehicle per property or your contractor.

Emil Lenart - 2300 Ocean Front questioned if debris on his property could be removed.

Mayor LaCicero stated that the Borough can not remove anything on your property but the homeowner can have debris removed off of their own property.

Ed Shakespeare - 13 New Brunswick Avenue - questioned if the Borough could have staggered access for residents. He suggested that Lavallette residents could have from 6 am to 1 pm and Toms River from 9am to 4pm and give each town 7 hours.

Piave Corradi - 1904 Ocean Front - stated that he has a lot of sand lost on his property and would like to know if there are any future plans to restore.

Mayor LaCicero stated that he has not heard anything as of yet but as soon as they get information they will pass it on to the residents and on the website.

Jean Lane - 131 Elizabeth Avenue - stated that it is difficult to get everyone that wants to help her rebuild their house with just one vehicle per property. She asked if they can increase the vehicles to maybe two in the future.

Mayor LaCicero stated that they are trying to work on all of this very soon so try and be patient.

Jay Brda - 2108 Bay Boulevard - stated that there was a boat that was removed off of his property and he wants to know why and when he can retrieve it.

Mayor LaCicero stated that vehicles and boats were removed by the Army Corps of Engineers.

Chief Grant stated that any vehicles or boats that were a danger where they were at were removed for safety reasons.

Janet Hayes - 105 President Avenue - stated that she has one sticker but two houses on one lot and here daughter lives in the back house. She asked if she can get another sticker.

Chief Grant stated that unfortunately right now it is only one sticker per property.

Laurie Hesslein - Martin's Casuals - stated that she really needs to get a dumpster in to clean out her store. She asked when will she be able to do that.

Mayor LaCicero stated that they will be checking on the dumpster access.

Peter Steinmetz - 45 Pershing Boulevard - stated that he needs to get an architect on Tuesday and he is concerned about height.

Mayor LaCicero stated that ordinance is being worked on right now.

Councilman Lamb stated that the problem is that all of these properties are non-conforming. In order to create an ordinance even now would take two meetings to adopt and then it will need to be advertised.

Councilwoman Filippone stated that there is an ordinance on the books already which we can not waive. To make some changes to it we would have to have one meeting for introduction and then it would have to wait 35 days before it could be adopted. If the state could give us some type of dispensation we could allow it.

Mayor LaCicero stated that the same issues are up and down the island.

Councilman Lamb stated that the residents need to lobby the State to get some answers.

Mary Lou Aremenio - 107 Newark Avenue - questioned if they have a non-conforming lot but if you are only expanding 50% you do not need to go to Planning Board.

Mayor LaCicero stated that it correct.

Michele Donato - 2202 Ocean Front - stated that there are a lot of discrepancies regarding the contractors getting stickers. Can they come by themselves.

Chief Grant stated that contractors can come with residents or they can come by themselves as long as they have proof of addresses in Lavallette and they can come to the Police Department and register and get a sticker.

Betty Santoro - West Point Island - questioned when she can get a pod to clean out her property.

Chief Grant stated that pods and dumpsters are not allowed on the island as of yet but he will let everyone know when they are.

Jessica Kubida - 115 Kerr Avenue - just came to thank everyone up there for all their hard work.

Peter Albano- 24 Newark Avenue - stated that the Borough should give the residents the opportunity to decide our own fate as far as safety and traffic, once you open it up the traffic will just flow normally.

Councilman Horan stated that there is no access to Route 35 North at all and Route 35 South is a two-way traffic highway and it is very dangerous. Safety is very important.

Cliff Gilman - 45 Dickman Avenue- stated that their power is on and the breakers are on.

Mayor LaCicero stated that they should contact JCP & L.

Steve Perna - 20 Morton Drive - stated that the more access you allow the less traffic we will have. He also stated he does appreciate all the work that the Borough is doing.

Jack Sauer - 405 Bay Boulevard - questioned when he could get a cement truck over.

Mayor LaCicero stated that that is part of the permit process which is not ready yet.

Mr. Parlow stated that the Construction Office will be open in their trailer next week.

Councilman Lamb stated that he took a ride towards Point Pleasant and they have suffered much worse than over by us.

Mayor LaCicero stated that it is a mess down there but it is getting better.

Maria Bartnichak - 1004 Grand Central Avenue - stated that she would like to thank Mark Speaker, LBA President for all he does to help the businesses in town. He is doing all he can do to get us back here.

Mark Speaker - LBA President - stated that it is not a perfect plan but we are all working very hard every day.

Jerry Skinner - 112A Magee Avenue - stated that for the next meeting they should have it a bigger location.

Steve Atno - 109 New Brunswick Avenue - questioned how long the school would take to get back over here.

Mayor LaCicero stated that the school suffered no damage but we just have no power or gas. As soon as we get power and gas they should be able to start school here again.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Council President Zalom stated that the New York bus trips will still be running. The buses will be picking up somewhere in Toms River and Jean Lane will call everyone on list to let them know and we will put it on the website. The dates of those trips are December 5th and December 8th. Also, if anyone is looking to give donations, they could donate to the Lavallette Beautification Committee to beautify the town.

Council President Zalom stated that the Mayor should draft a letter to the Governor for more access.

Mr. George stated that he would draft that letter asap.

EXECUTIVE SESSION:

There was no executive session.

ADJOURNMENT:

A Motion was made by Councilman Stogdill to adjourn the Caucus/Regular Meeting. The Motion was seconded by Councilman Lamb. Vote: All of Council was in favor. The Motion Passed.

The Caucus/Regular Meeting was adjourned at 8:50 pm.

CERTIFICATION

I, Christopher F. Parlow, Municipal Clerk of the Borough of Lavallette, County of Ocean, State of New Jersey does hereby attest these to be a true copy of the minutes of the meeting held on the **19th** day of **November 2012**

Christopher F. Parlow
Municipal Clerk